

**REMARKS**

In the Office Action dated January 12, 2007,<sup>1</sup> the Examiner rejected claim 5 under 35 U.S.C. § 112, first paragraph; rejected claims 1, 5, 13, 14, 16, 19, and 23 under 35 U.S.C. § 112, second paragraph; rejected claim 23 under 35 U.S.C. § 102(b) as being anticipated by Japanese Publication No. 09-162821 by Sakamoto Noriya ("Noriya"); rejected claims 1-14 and 16-22 under 35 U.S.C. § 103(a) as being unpatentable over Noriya in view of a publication titled "Specification for Service Information (SI) in Digital Video Broadcasting (DVB) Systems" ("DVB"); and rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Noriya in view of DVB, and further in view of a publication titled "Measurements in MPEG2 and DVB-T signals" ("R&S").

In the Office Action, the Examiner objected to the title as not descriptive, objected to the abstract, and objected to a typographical error in the specification. Office Action at 3. Applicants amend the specification to correct these informalities and therefore respectfully request that the Examiner withdraw the objections to the specification.

Applicants cancel previously pending claims 1-23, obviating the Examiner's objections and rejections of the claims. Claims 24-44 are newly presented for examination.

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

None of Noriya, DVB, and R&S, taken individually or in combination, teaches or suggests each and every element recited by new claims 24-44. New independent claim 24, for example, recites:

links between first programs in the first transport stream and second programs in one or more transport streams in one or more adjacent service areas, and  
priorities for the links; and  
a receiver that selects a program being transmitted in one of the adjacent service areas using the links and the priorities.

(emphasis added). The Examiner asserts that the claimed “priorities for the links” are “inherent to Noriya as [0015] shows that link information gives information about predetermined relevancy of programs. Without the link information, relevancy of programs could not be determined.” Office Action at 8 (rejecting previously pending claim 2). Applicants disagree that “priorities for the links” are inherent in the disclosure of Noriya.

M.P.E.P. § 2112 instructs: “The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic” (emphasis in original). Rather, “the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” Id. (emphasis in original).

The Examiner refers to paragraph 0015 of Noriya, but this paragraph simply discloses displaying relevant link information along with a program. The Examiner has not provided any basis in fact or technical reasoning to support his general allegation that the “priorities for the links” are inherent in the disclosure Noriya. Moreover, Noriya also does not teach or suggest “a receiver that selects a program being transmitted in

the adjacent service area using the links and the priorities," as recited by new independent claim 24.

Neither DVB nor R&S, taken individually or in combination, teaches or suggests "priorities for the links," as recited by new independent claim 24. New independent claims 27, 34, 40, and 44, although of different scope than claim 24, patentably distinguish from the references for at least the same reasons as claim 24. Applicants therefore respectfully request that the Examiner allow new claims 24-44.

Should the Examiner continue to dispute the patentability of the claims after consideration of this Reply, Applicants encourage the Examiner to contact Applicants' undersigned representative by telephone to discuss any remaining issues or to resolve any misunderstandings.

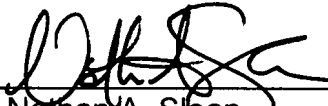
In view of the foregoing remarks, Applicants submit that this claimed invention is neither anticipated nor rendered obvious in view of the references cited against this application. Applicants therefore request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: April 11, 2007

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